IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO: 1085 of 2006

Dated:28.03.2006

Between:

M.Veerabrahma Chary, S/o M.Subbaiah

..... PETITIONER

AND

Central Power Distribution Company of A.P.
Ltd, reptd by its Chairman & Managing
Director, Singareni Bhavan, Lakdikapul,
Hyderabad.

.....RESPONDENT

ORDER:

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent, and with their consent, the main writ petition is being disposed of at the stage of admission.

The petitioner, who is working as Senior Accounts Officer in A.P. Central Power Distribution Company Limited, Hyderabad, has filed this writ petition seeking a writ of Mandamus to direct the respondent to extend him the benefit of Regulation-30-A of the Andhra Pradesh

State Electricity Board Service Regulations, Part-I (for short 'the Regulations').

It is the case of the petitioner that though he is a Senior Accounts Officer, working under the Superintending Engineer/Op/ Medak, by the proceedings, dated 07.02.2005, in Memo No.CGM (HRD)/DS(Per)/PO-B/55/05, he is transferred and posted as Senior Accounts Officer counting against the vacant post of General Manager (Revenue) under the control of the Chief General Manager (Expr.), Corporate Office, A.P.C.P.D.C.L. Hyderabad, to look after the works of the General Manager (Revenue). Subsequently, the said proceedings were clarified, by way of amendment, by an order, dated 15.12.2005, issued in Memo No.CGM(Common)/DS(Per)/AS(Estt)/ PO-B/55-B2/05. The amendment reads to the following effect: -

> "The words occurred in para 1 in the reference 1st cited, "Transferred and posted as Senior Accounts Officer counting against the vacant post of General Manager (Revenue) under the control of Chief General Manager (Expr)/Corporate Office/APCPDCL to look after the works of General Manager (Revenue)" shall be read as "posted as I/c General Manager (Revenue) under the control of Chief General Manager (Expr)/Corporate Office/APCPDCL against the existing vacancy."

It is the further case of the petitioner that in view of the orders, dated 07.02.2005 and 15.12.2005, he is discharging the duties and responsibilities of greater importance, than those attached to the post held by him and therefore, he is entitled to pay fixation as per Regulation-30-A of the Regulations.

Counter-affidavit is filed on behalf of the respondent.

In the counter-affidavit, while admitting that the petitioner is

discharging his functions in higher capacities, it was pleaded that Regulation-30-A of the Regulations is applicable only to the candidates who are promoted or appointed to substantive posts.

From the counter-affidavit and the orders, dated 15.12.2005, it is clear that though the petitioner is basically a Senior Accounts Officer, now he is posted as In-charge General Manager (Revenue) under the control of the Chief General Manager, Hyderabad. In the counter-affidavit, it is categorically admitted that the petitioner is discharging the functions in higher capacities. However, it is the case of the respondent that the petitioner is not entitled to pay fixation under Regulation-30-A of the Regulations because he is not appointed/promoted to a substantive post. It is relevant to extract Regulation-30-A of the Regulations, which reads as follows: -

> "Notwithstanding anything contained in these Regulations where a Board servant holding a post in a substantive, officiating or temporary capacity is promoted or appointed in a substantive, officiating or temporary capacity to another post carrying duties and responsibilities of greater importance than those attaching the post held by him, his initial pay in the time scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued."

From a reading of Regulation-30-A of the Regulations, it is clear that if a Board servant holding a substantive or officiating or temporary capacity is promoted/appointed in a substantive or officiating or temporary capacity to another post carrying duties and responsibilities of greater importance, he is entitled to pay fixation at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post. It is also clear that Regulation-30-A of the Regulations applies to a Board servant, if he is officiating or temporarily discharging another post carrying duties and

responsibilities of greater importance, and he is entitled to pay fixation in terms of Regulation-30-A of the Regulations.

In that view of the matter, there is no reason for depriving the benefit of pay fixation to the petitioner in terms of Regulation-30-A of the Regulations.

Accordingly, there shall be a direction to the respondent to fix the pay of the petitioner in terms of Regulation-30-A of the Regulations within six weeks from the date of receipt of a copy of this order and take steps in accordance with law.

Subject to the above directions, the writ petition is disposed of, at the stage of admission. There shall be no order as to costs.

_____ R.SUBHASH REDDY, J

28.03.2006

DR